

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ERNEST BEDNAR,

Plaintiff,

v.

COUNTY OF SAN MATEO,

Defendant.

No. C 14-0423 PJH

ORDER

On April 8, 2015, counsel for defendant County of San Mateo e-filed a stipulation for approval of settlement agreement (Doc. 29). On April 9, 2015, the court approved the settlement agreement and dismissed the case (Doc. 30). Also on April 9, 2015, counsel for plaintiff Ernest Bednar advised the court that the stipulation contained confidential information and had been e-filed in error, and requested that it be locked. The court temporarily locked the stipulation and the order approving the stipulation.

As explained on the court's website, under "Electronic Case Filing - Welcome to CM/ECF - Correcting E-Filing Mistakes - Remove a Sensitive E-Filed Document," the procedure to be followed when a document containing confidential information has inadvertently been e-filed is as follows:

Remove a Sensitive E-Filed Document

If – and only if – your e-filing mistake involves the unintended disclosure of confidential information, you may file a motion to remove a sensitive e-filed document. The Court views removing an e-filed document as a drastic measure or last resort reserved for documents whose contents are confidential. If confidential information is not involved, simply e-file a corrected version.

A "confidential" document contains:

- Information that must not be viewed by the public as a whole, such as a document meant to be filed under seal;
- Confidential material in violation of Federal Rule of Civil Procedure 5.2 or other privacy rules;

- Private information, such as passwords, etc.

If you have inadvertently e-filed a sensitive document, follow these steps without delay:

1. Immediately send an email to the Docket Correction email address for your Judge with the case number, docket number and a very brief description of what went wrong. If possible, mark the message "urgent."

2. Next, call us at 866-638-7829 to request expedited handling. The ECF HelpDesk staff can, during regular support hours, temporarily block access to the document by ECF users for a limited period of time. The Court does not, however, provide any after-hours support.

3. Next, file a "Motion to Remove Incorrectly Filed Document" as soon as possible. If the motion is granted, the ECF Helpdesk will permanently remove the document from ECF.

4. E-file a corrected version of the document. You can do this right away, without awaiting the outcome of steps 1-3, above. View information on redacting documents for e-filing on this website.

Here, plaintiff's counsel (which had requested that the stipulation and order be locked) complied with steps 1 and 2, but failed to comply with steps 3 and 4. The court has contacted plaintiff's counsel several times, beginning on April 10, 2015, requesting that counsel file a motion to remove the e-filed documents and resubmit the stipulation to the court, in accordance with the instructions on the website. To date, counsel has failed to comply.

Accordingly, the court ORDERS that no later than 12:00 noon on Wednesday, May 20, 2015, plaintiff's counsel shall file a motion to remove the incorrectly filed documents, and shall e-file a corrected version of the stipulation, following the instructions under "How to E-File a Corrected Version." Failure to comply with this order will result in the court's unlocking the temporarily locked documents.

IT IS SO ORDERED.

Dated: May 15, 2015



PHYLLIS J. HAMILTON
United States District Judge